

TTAB

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09579M-OPP

IN THE U.S. PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

GALDERMA S.A.

Opposer

V.

SPECCHIASOL S.R.L.

Applicant

77/074,304

Opp. No.: **91187019**

To the Hon. Asst. Comm. Of Trademarks
P.O. Box 1451
Arlington, VA 22313-1451

MOTION FOR THREE MONTH SUSPENSION

Applicant, SPECCHIASOL S.R.L., with the express consent of G. Mathew Lombard, Esq., attorney for the Opposer, moves the Trademark Trial and Appeal Board for a further three month suspension of the opposition proceeding, including the time by which Applicant must file an Answer to the Notice of Opposition. Applicant and Opposer continue to directly negotiate to try to resolve this opposition on an amicable basis. Opposer and Applicant are discussing directly a proposed offer of settlement from the Opposer and made on 17 August



04-25-2011

2010. The parties need more time in order to finalize the details of the settlement and complete the negotiations.

Applicant and Opposer have resolved some of the issues as set forth in the Renewed Motion for Six Month Suspension filed on 17 September 2010. However, the following issues remain to be settled and require further negotiations.

Whether Applicant **SPECCHIASOL S.R.L** should acknowledge that Opposer Galderma S.A. has prior rights to both the EPIDUO mark and now the EPYDUO mark with respect to the Galderma goods identified in International Class 5 in the Galderma US Trademark Application Serial No. 77/027,704.

Whether Opposer Galderma S.A. should acknowledge that Applicant **SPECCHIASOL S.R.L.** has rights in its EPID mark that are prior not only to Galderma's rights in the mark EPIDUO, but also prior to Galderma's rights in its mark EPYDUO with respect to the Specchiasol goods identified in International Class 5 in the Specchiasol US Trademark application Serial No. 77/074,304.


Whether Applicant Specchiasol should agree to refrain from using its EPID mark with respect to goods identified in International Class 5, only on prescription pharmaceuticals identified in International Class 5; whether Applicant should agree to use its EPID mark only with PROPOLIS and only with its house mark/trade name SPECCHIASOL, or whether a compromise may be reached between Opposer and Applicant where Applicant agrees to refrain from using its EPID mark in connection with Galderma goods and/or anti-acne products of any kind .

Whether Opposer Galderma S.A. must always use its EPIDUO and EPYDUO marks together with its house mark GALDERMA to prevent confusion in the marketplace between Galderma's EPIDUO and EPYDUO products and the SPECCHIASOL, products sold under the EPID trademark.

If the Board grants the motion for a further three month suspension of the opposition, the parties plan to communicate regularly over the next three months in a diligent, good faith manner to seek an amicable resolution of these three issues. The parties hope to resolve all of these issues or at least some of these issues over the next three months, but cannot guarantee that all issues will have been resolved once the three month period has elapsed.

In view of the above, Applicant asks that the Board grant the three month suspension.

KF Ross PC



by: Jonathan Myers, 26,963
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19 April 2011
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing MOTION FOR THREE MONTH SUSPENSION was served via first class United States mail, postage prepaid, on the attorney for Opposer.

G. Mathew Lombard, Esq.
Lombard & Geliebter
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April 19, 2011
Date


Jonathan Myers